



U.S. Department of Justice

Antitrust Division

Carrie A. Syme
(Direct) 212-335-8036
(Fax) 212-335-8023

New York Office

26 Federal Plaza
Room 3630
New York, NY 10278

February 3, 2015

BY EMAIL AND ECF

The Honorable John Gleeson
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Espar Inc.*
Criminal No.: CR-15-0028

Dear Judge Gleeson:

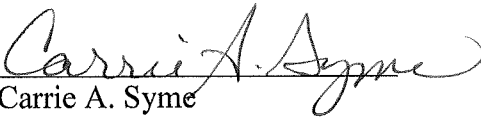
We write on behalf of both parties in the above-referenced case. (Counsel for Defendant Espar Inc. has reviewed this letter and consented to its filing.) On March 12, 2015, Defendant Espar Inc. will be appearing before Your Honor for arraignment and a plea hearing. Last week, we provided the Court with a courtesy copy of the Information and executed Plea Agreement relevant to this matter. Defendant will file a Waiver of Indictment by March 12.

Before the parties appear before the Court, we wish to raise two issues:

First, the United States and Defendant jointly request that the Court schedule sentencing on the same day as the plea hearing, and that the presentence investigation report be waived. Although we understand this is not typical practice in criminal cases, for purposes of efficiency, the Antitrust Division commonly makes this request jointly with defendants where, as here, the defendant is a corporation and the parties have executed a plea agreement pursuant to Fed. R. Crim. P. 11(c)(1)(C). The parties respectfully submit that the Plea Agreement and a Joint Sentencing Memorandum (to be filed prior to the plea/sentencing date, at a time convenient for the Court) will provide sufficient information to allow the Court to exercise its sentencing authority meaningfully and explain its findings on the record. In addition, the United States will have sufficient time to notify potential victims of the plea/sentencing date.

Second, the Plea Agreement states that, when it is filed, its Attachment A will be filed under seal (see, e.g., paragraph 13(b)). Attachment A contains the names of individuals who have not received protection under the Plea Agreement but who have not been indicted. It is the parties' mutual intention that, while these individuals remain unindicted, they not be named in open court or in publicly filed documents. If the Court intends to read any portion of the Plea Agreement into the record at the plea hearing or otherwise reference Attachment A or the individuals listed there, the parties respectfully request that the Court refrain from revealing the individuals' identities.

If the Court would like to discuss these or any other issues prior to the March 12 appearance, we would be happy to have a conference call.


Carrie A. Syme

Attorney
United States Department of Justice
Antitrust Division

cc: Michael Tubach, O'Melveny & Myers LLP
Counsel for Defendant